

# Daniel LaChance, PhD

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## Empathy for the Devil: The Making of the Modern American Death Penalty

In 1890, the state of New York revolutionized the practice of capital punishment in the United States when guards at Auburn Prison strapped William Kemmler into a wooden chair, attached electrodes to his body, and shocked him to death. Over the next fifty years, nearly every state would follow suit by adopting new execution technologies and moving executions to centralized locations far from where the crimes occurred. Reformers hailed these changes as progressive, but they were symptomatic of a broader transformation of government during the late nineteenth century that many Americans found alarming. As executive power grew more bureaucratic and centralized, both "the state" and "the law" seemed increasingly distant from ordinary people. The state's most awesome power—the power to take the lives of its own citizens—was no longer being exercised by locally elected sheriffs in front of local citizens. It was now in the hands of technicians working in the bowels of distant prisons. Some states even tried to ban journalists from attending or reporting on the details of executions. This new approach to executing death sentences became a potent illustration of the erosion of democracy and local control in American political life. Criticism of this modern version of the death penalty was rare, however. Empathy—its selective presence and absence—explains why. From execution accounts in newspapers to classical Hollywood films, widely circulating stories about the death penalty centered on the experiences of white men, portraying them as tragic heroes who met death bravely and contritely. They also depicted prison officials as kind, humane, and reluctant servants of the law, assuring the public that the state still treated condemned individuals with respect and dignity. This disproportionate focus on the executions of white men overlooked how capital punishment had become, in practice, a modern tool of racial control that disproportionately put Asian-, Indigenous-, Mexican-, and especially African American men and women to death with little fanfare or empathy for their plight. Drawing on newspaper coverage of the 4,012 executions that took place in nine states and the District of Columbia and portrayals of capital punishment in 219 films, *Empathy for the Devil* reveals how journalists, novelists, and filmmakers obscured the reality of executions for the majority-white public. Countering this misrepresentation, African Americans produced art and commentary—from blues songs to novels to editorials in Black newspapers—that resisted the notion that new technologies had made the death penalty more humane, casting it instead as a surrogate for lynching. They also organized legal defenses for men being railroaded to death, generating new case law that affirmed the rights of Black capital defendants to due process, required jury pools to include African Americans, and excluded from evidence confessions obtained through torture. These efforts in the 1920s and 1930s set the stage for the NAACP's campaign against the death penalty in the 1960s, which culminated in the Supreme Court's decision in *Furman v. Georgia* (1972), which ruled that capital punishment was unconstitutional due to its unfair application. Giving overdue prominence to the cultural and legal activism of African Americans against mass culture's whitewashed representations of the death penalty, *Empathy for the Devil* demonstrates the power of narrative to shape history.



### BRIEF BIO

Daniel LaChance is Andrew W. Mellon Faculty Fellow and Associate Professor of History at Emory University. His research explores the intersection of law, violence, and American culture. He examines how the state justifies physical coercion and how media represents that violence to the public. His first book, *Executing Freedom* (2016), is a cultural history of capital punishment in the United States since World War II, while *Crimesploitation* (2022) investigates reality TV's portrayal of crime and punishment. He earned his Ph.D. in American Studies from the University of Minnesota and B.A. in English from Carleton College.

### MORE INFORMATION

Dr. LaChance will be serving as an Aretē Fellow during the Fall 2026 semester.

Visit his Emory [website here](#).

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